

## HOUSE BILL NO. 319

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN OPENCUT OPERATOR TO SUBMIT PROOF OF OTHER ENVIRONMENTAL PERMIT APPLICATIONS RELATED TO A PROPOSED OPENCUT OPERATION WITH AN OPENCUT APPLICATION; AMENDING SECTION 82-4-432, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 82-4-432, MCA, is amended to read:

**"82-4-432. Application for permit -- contents -- issuance -- amendment.** (1) An application for a permit must be made using forms furnished by the department and must contain the following:

(a) the name of the applicant and, if other than the owner of the land, the name and address of the owner;

(b) the type of operation to be conducted;

(c) the estimated volume of overburden and materials to be removed;

(d) the location of the proposed opencut operation by legal description and county;

(e) the date when the opencut operation is proposed to commence; and

(f) a statement that the applicant has the legal right to mine the designated materials in the lands described.

(2) The application must be accompanied by:

(a) a bond or security meeting the requirements as set out in this part;

(b) a statement from the local governing body having jurisdiction over the area to be mined certifying that the proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted under Title 76, chapter 2;

(c) a plan of operation that meets the requirements of 82-4-434; ~~and~~

(d) copies of permit applications related to the opencut operation filed by the operator, including any:

(i) air quality permit pursuant to Title 75, chapter 2;

(ii) water quality permit pursuant to Title 75, chapter 5; or

1            (iii) water quantity permit pursuant to Title 85, chapter 2; and

2            ~~(d)~~(e) written documentation that the landowner has been consulted about the proposed plan of  
3 operation.

4            (3) If, prior to applying for a permit, a person notifies the department of the intention to submit an  
5 application and requests that the department examine the area to be mined, the department shall examine the  
6 area and make recommendations to the person regarding the proposed opencut operation. The person may  
7 request a meeting with the department. The department shall hold a meeting if requested.

8            (4) (a) Except as provided in 75-1-208(4)(b), upon receipt of an application containing all items listed in  
9 subsections (1) and (2), the department shall, within 30 days, review the application, inspect the proposed site,  
10 and notify the person whether or not the department believes that the application is acceptable. An application  
11 is acceptable if it complies with all requirements of subsections (1) and (2). If the department determines that the  
12 application is not acceptable, the department shall include in the notification a detailed identification of all  
13 deficiencies.

14            (b) Within 30 days of receipt of the applicant's responses to the identified deficiencies, the department  
15 shall notify the applicant if the application is acceptable or not. If the application is unacceptable, the notice must  
16 include a detailed explanation of the remaining deficiencies.

17            (c) The department may for sufficient cause extend either or both of the 30-day review periods for an  
18 additional 30 days if it notifies the applicant of the extension prior to the end of the respective original 30-day  
19 period. The department shall include in the notification of extension the reason for the extension.

20            (d) If the application is acceptable, the department shall issue a permit to the operator that entitles the  
21 operator to engage in the opencut operation on the land described in the application.

22            (5) An operator may amend a permit by submitting an amendment application to the department. Upon  
23 receipt of the amendment application, the department shall review it in accordance with the requirements and  
24 procedures in subsection (4). If the amendment application is acceptable, the department shall issue an  
25 amendment to the original permit."

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27            **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

28            - END -